

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**DOROTHY JONES,**

**Plaintiff,**

**-against-**

**SOCIAL SECURITY ADMINISTRATION;  
JANE DOE,**

**Defendants.**

**22-CV-9786 (ALC)**

**ORDER**

**ANDREW L. CARTER, JR., United States District Judge:**

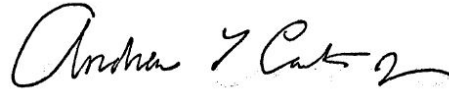
The Court is in receipt of Plaintiff Dorothy Jones' application to appoint *pro bono* counsel at ECF No. 3. The factors to be considered in ruling on an indigent litigant's request for *pro bono* counsel include the merits of the case, the litigant's efforts to obtain a lawyer, and the litigant's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are "[t]he factor which command[s] the most attention . . . ." *Cooper*, 877 F.2d at 172. Because it is too early in the proceeding for the Court to assess the merits of the action, the Court **DENIES** Plaintiff's request for the appointment without prejudice.

On February 27, 2023, Defendant filed a motion for summary judgment. (ECF Nos. 9, 10.) To date, Plaintiff has not submitted a response to the motion. Plaintiff is directed to file a response to Defendant's motion for summary judgment by **September 30, 2023**. Plaintiff is advised that failure to respond to Defendant's motion will result in the Court deeming the motion unopposed.

The Clerk of Court is respectfully requested to terminate the pending motion at ECF No. 3 and to mail a copy of this Order to the *pro se* Plaintiff.

**SO ORDERED.**

**Dated: August 1, 2023**  
**New York, New York**

A handwritten signature in black ink, reading "Andrew L. Carter, Jr." in a cursive style.

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**ANDREW L. CARTER, JR.**  
**United States District Judge**